

In addition to the reasons for patentability set forth in the February 20, 2003, Amendment After Final Rejection, Applicants provide the following additional comments and arguments.

I. Claims 9-14

In the previous Office Action, claims 9-14 were rejected under 35 U.S.C. §103(a) over Inoue in view of EP 516. Applicants respectfully traverse this rejection.

For all of the reasons set forth in the February 20 Amendment After Final Rejection, the rejection is overcome and must be withdrawn. In particular, the cited references fail to specifically teach or suggest any of the components (a), (b) and (c) required in independent claim 9, much less each of the components in the combination as claimed. EP 516 fails to overcome those deficiencies of the primary reference Inoue, at least because while EP 516 discloses that the polypropylene can be maleic anhydride functionalized polypropylene, the reference fails to teach or suggest that the polypropylene is specifically modified with 0.1 - 10% by weight of an acid anhydride, as claimed. Furthermore, there would have been no motivation to have combined the references in the manner asserted by the Office Action, to practice the claimed invention.

Accordingly, for at least these reasons, the rejection of claims 9-14 over Inoue in view of EP 516 should be withdrawn.

II. New Claim 15

New claim 15 generally corresponds to claim 9, but specifies that "no other resin component is present in the composition" besides the recited components (a), (b) and (c). New claim 15 is patentable for at least the same reasons as claim 9, set forth above and in the February 20 Amendment After Final Rejection. New claim 15 also overcomes the previous §112 rejection, as the claim does not recite the term "substantially."

III. New Claims 16-17

New claims 16 and 17 depend from claims 9 and 15, respectively, and specify that the olefin-based resin composition is halogen-free. Claims 16-17 are patentable over the cited references for all of the reasons set forth above, as well as for the additional limitations that they recite.

As described in the specification, the claimed invention is directed to a resin composition suitable for covering wires, where the resin composition exhibits a good balance of properties such as wear resistance, flame resistance, tensile property, flexibility and the like. Page 2, lines 17-21. As such, the invention of claims 16-17 is directly opposite and contradictory to the invention disclosed in Inoue.

Inoue is generally directed to a flame retardant composition. However, Inoue specifically discloses, and requires, that halogen-containing flame retardant compounds be included in the resin composition. For example, Inoue discloses at col. 2, lines 27-28 that the resin composition includes 20-200 parts by weight of an inorganic flame retarder. However, Inoue goes on to describe that "in order to obtain a higher flame retardance ... an organic flame retarder comprising a halogen compound ... are preferably mixed with the above mentioned resinous component and inorganic flame retarder so that a ratio of the organic flame retarder: the flame retardant auxiliary may be within the range [sic, range] of 5:1 to 1:3." Col. 9, lines 5-15. See also Inoue at claim 2.

Thus, in contrast to the claimed invention, Inoue teaches not only that halogen compounds can be included, but that they in fact are preferred in order to provide suitable flame retardancy. Nowhere does Inoue teach or suggest that such halogen compounds could or should be entirely omitted, to provide an olefin-based resin composition that is halogen-free, as claimed.

EP 516 does not overcome the deficiencies of Inoue, and thus is improperly combined with Inoue. Although EP 516 is directed to resin compositions that are intended to provide flame retardancy, the reference nowhere teaches or suggests how that resin composition could or should be combined into the composition of Inoue. Inoue specifically teaches that halogen compounds are preferred and required for adequate flame retardancy, and neither Inoue nor EP 516 teaches or suggests that such required halogen compounds could and should be eliminated by simply using the polymer composition of EP 516.

Accordingly, for all of these reasons, dependent claims 16-17 are further patentable over the cited references.

#### IV. Claims 18-19

In the previous Office Action, claims 9-14 were rejected under 35 U.S.C. §112 and under §103(a) over Inoue in view of EP 516.

New claims 18-19 overcome the rejection under §112. New claims 18-19 do not use the objected-to word "substantially" and instead use narrower transitional phrase language to define the components of the claimed invention. Accordingly, new claims 18-19 address the §112 rejection, as well as the comments raised in the Advisory Action. (Claim 9 is not further amended to address the comments in the Advisory Action, as those comments are believed to be incorrect.)

Furthermore, for all of the reasons set forth in the February 20 Amendment After Final Rejection, claims 18-19 overcome the §103 rejection, and the rejection should be withdrawn. In particular, the cited references fail to teach or suggest any of the components (a), (b) and (c) required in independent claims 18 and 19, much less each of the components in the combination as claimed. EP 516 fails to overcome those deficiencies of the primary reference Inoue, at least because while EP 516 discloses that the polypropylene can be maleic anhydride functionalized polypropylene, the reference fails to teach or suggest that the

polypropylene is specifically modified with 0.1 - 10% by weight of an acid anhydride, as claimed. Furthermore, there would have been no motivation to have combined the references in the manner asserted by the Office Action, to practice the claimed invention.

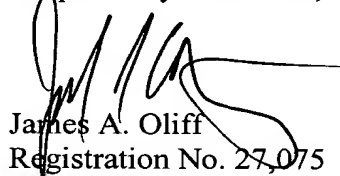
Accordingly, for at least these reasons, claims 18-19 are patentable over Inoue in view of EP 516.

V. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to telephone Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Joel S. Armstrong  
Registration No. 36,430

Attachment:  
Appendix

JAO:JSA

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**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

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APPENDIX

Changes to Claims:

Claims 15-19 are added.